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APPLICATION OF

**VIRGINIA ELECTRIC AND POWER COMPANY
D/B/A DOMINION VIRGINIA POWER**

CASE NO. PUE010154

**For a certificate of public convenience
and necessity for facilities in Loudoun
County: Beaumeade-Beco 230 kV
Transmission Line and Beaumeade-
Greenway 230 kV Transmission Line**

HEARING EXAMINER'S RULING

August 14, 2001

On March 15, 2001, as revised on March 23, 2001, Virginia Electric and Power Company d/b/a Dominion Virginia Power ("Virginia Power" or "Company") filed an application for approval and certification of electric facilities in eastern Loudoun County. By Commission orders dated April 9, and 12, 2001, the Commission docketed the application; appointed a hearing examiner to conduct further proceedings; established a procedural schedule for the filing of prepared testimony and exhibits; scheduled a hearing in Leesburg, Virginia; and directed Virginia Power to provide public notice of its application.

On July 18, 2001, Protestants, DuPont Fabros Development ("DuPont Fabros"), Cameron Chase Homeowners Association ("Cameron Chase"), Broadlands Associates ("Broadlands"), Regency Homeowners Association ("Regency"), and the Loudoun County Board of Supervisors ("Loudoun County Board"), by counsel, filed a motion seeking a stay in this proceeding pending the filing of an application by Virginia Power for approval of a second transmission line for eastern Loudoun County. In support, the Protestants state that Virginia Power has announced that it plans to build an eight to twelve-mile long, double-circuit, 230 kV transmission line in eastern Loudoun County. This second transmission project would be in addition to the current transmission project, which is the subject of this proceeding. Because the routing of the pending transmission project likely will have an effect on the planning for the second project, the Protestants seek a stay of the current proceeding and consolidation of the cases for concurrent consideration by the Commission.

On August 1, 2001, Virginia Power filed its response, urging that the requested stay be rejected. Virginia Power claims that the requested stay and subsequent delay would jeopardize its ability to serve new data centers by mid-2002 as currently scheduled. Also, Virginia Power avers that it has complied with the requirements of Virginia Code § 56-46.1, has published notice, and is entitled to be heard promptly on its pending Application. Studies related to additional transmission capacity in eastern Loudoun County are continuing. Depending upon these studies, Virginia Power does not anticipate filing an application for approval of additional transmission capacity in eastern Loudoun County until the end of 2001. This would push the date for approval beyond the required in-service date for the pending project.

On August 13, 2001, DuPont Fabros, Cameron Chase, Broadlands, Regency, and the Loudoun County Board filed a reply to the response of Virginia Power. In their reply, the Protestants point out that Virginia Power did not challenge their contention that failure to consider both projects as a single project will prejudice the parties and may produce routing decisions that do not provide the best overall route for the project. Second, Virginia Power has no procedural right to a hearing on October 3, 2001. Finally, the Protestants maintain that the need for new transmission capacity is not as immediate as the Company claims. In support, Protestants attached an exhibit to their motion, which, they submit, shows that the data center immediately adjacent to the proposed Greenway substation has leased none of its space.

The motion for a stay raises several factual issues. It appears Virginia Power has two transmission projects slated for eastern Loudoun County. Whether these projects should be combined or considered at the same time, could depend on the degree to which the projects are interrelated or interdependent. The interrelationship of the projects is unclear from the pleadings. For example, Virginia Power in its response indicates that the second project may be moved farther south. This suggests that the projects may not be interrelated. Further, Virginia Power claims the facilities under study in this case need to be in service by mid-2002. Even if the projects are interrelated, if there is a strong need and tight timeline for the transmission facilities in the current application, it may be appropriate to proceed separately. Thus, the issues raised by the motion for stay depend on the underlying facts. Based solely on the pleadings, I fail to find sufficient facts to support a stay at this time. Consequently, I find that the motion for stay should be *denied*, without prejudice. DuPont Fabros, Cameron Chase, Broadlands, Regency, and the Loudoun County Board, or any other party, may develop a record and underlying facts that would support consolidation of consideration of the Company's transmission projects for eastern Loudoun County. A party may file for a stay at that time.

Alexander F. Skirpan, Jr.
Hearing Examiner